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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 kilometres away; and Atafu nearly 100 kilometres from Nukunonu. Each atoll comprises strips of land no more than 200 metres wide and never more than 5 metres above sea level. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour and only port to the outside world.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted on 11 October 2001, recorded a population of 1,518, a slight increase over the 1996 figure of 1,507 people. This figure includes all those present on census night plus those who usually reside in Tokelau but were overseas temporarily in government employment or for educational and medical reasons, a frequent occurrence in this Territory. By atoll, the population was recorded as follows: Atafu, 608; Fakaofo, 501; Nukunonu, 409. The constraints of atoll life and limited opportunities have led some 12,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official who deals with Tokelau is the Administrator, appointed by the Minister for Foreign Affairs and Trade. In March 2003, Neil Walter, was appointed as the new Administrator. Until June 2001, when responsibility for public services was transferred to the Territory, there was also a New Zealand-based Public Services Commissioner for Tokelau.

II. Constitutional and political developments

4. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8 and A/AC.109/2005/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a governance and administrative system that suited a self-governing nation based on the atoll or village structure and traditional decision-making customs.

5. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono in 1999. The issue of representation within the General Fono was reviewed again in October 2004, and decisions were made on a method of appointment of the Chairperson of the General Fono and on the role and responsibilities of the six-person Council for the Ongoing Government, which is in effect the executive Government during times when the General Fono is not in session. The Council consists of the three Faipules (the representative of each village) and the Pulenukus (the mayor of each village).

6. Since November 2001, legislative seats in the Fono have been proportional to the size of the population on each atoll. Replacing the former structure of 18 members (6 per atoll), the new General Fono has 21 members, giving Atafu 8

delegates, Fakaofo 7 and Nukunonu 6. The triennial elections for Faipule, Pulenukus and General Fono delegates were held in each village in January 2005. Each of the newly elected Faipule had previously served two or more terms. The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. In January 2005, Pio Tuia was installed as Ulu for the year. Kolouei O'Brien succeeded him in February 2006.

7. The first discussions on a new relationship framework between New Zealand and Tokelau, based on initial studies on a Tokelauan Constitution funded by the United Nations Development Programme (UNDP) in the mid-1990s, were held in Wellington, New Zealand, in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon by the June 2003 General Fono and subsequently approved by the New Zealand Government. The Partnership agreement with New Zealand provided the medium- to long-term context in which work could be carried forward on Tokelau's constitutional and other developments. The document addressed the management of the partnership, self-determination for Tokelau, Tokelau's language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs and the Tokelauan community in New Zealand. At the same time, the New Zealand Government approved a support scheme for Tokelau known as the administrative assistance scheme. The essence of the scheme was that all New Zealand Government agencies were formally instructed to consider providing assistance to Tokelau within their sphere of responsibility. Arrangements were made for the Tokelau Unit in Wellington to act as the liaison and coordination point for the scheme.

8. At its meeting in June 2003, the General Fono had also agreed that the three Village Councils should assume full responsibility for all the public services on their atoll and a target date of 30 June 2004 for the achievement of that objective was met. The decision stemmed from an earlier agreement on the approach known as the Modern House of Tokelau (see para. 4 above), whereby the traditional Council of Elders on each atoll should serve as the foundation for a future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for those activities that need to be handled at the national level (for further details on the review process of Tokelau's public services prior to 30 June 2004, see A/AC.109/2005/3). The remaining aspect of the Modern House project, known as "Friends of Tokelau", that is, keeping Tokelau's communities in New Zealand and other interested parties informed of developments, is being handled by the Office of the Ongoing Government of Tokelau in Apia and a strengthened Tokelau Unit in Wellington.

9. At its June 2003 meeting, the General Fono also took a formal decision, by consensus and with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice now to be actively explored with the New Zealand Government". In November of the same year, the General Fono adopted a paper recommended by its Special Constitutional Committee which brought together all the main elements expected to be in an eventual constitution. That followed an extensive process of consultation conducted by the Tokelau public service on all three atolls. The paper draws upon customary practice, the written rules of the General Fono and parts of New Zealand law.

10. Agreement was reached at the General Fono held in January 2004 on the steps to be taken to give effect to the decision of actively exploring the endorsement of self-government in free association with New Zealand. The steps included a series of discussions: with senior officials both in Wellington and in Apia, as mentioned above; during the Special Committee's Pacific Regional Seminar held in Papua New Guinea in May 2004; during consideration of the situation in Tokelau by the Special Committee in June 2004 and June 2005; at the General Fono and village deliberations; at several meetings in Tokelau and Samoa involving the Administrator; at meetings with Tokelau's constitutional adviser, Professor Tony Angelo, and Tokelau's senior officials and political leadership; and at a number of meetings with Tokelau's overseas communities in New Zealand, Samoa, American Samoa, Hawaii and Australia.

11. In August 2004, the Prime Minister of New Zealand visited Tokelau, at which time she welcomed Tokelau's recent decisions on its future political status and assured it of New Zealand's ongoing friendship and support as it moved towards an act of self-determination.

12. The draft constitution was given further consideration at the October 2004 meetings of the Special Constitutional Committee and the General Fono, and was endorsed by the August 2005 General Fono as the basis for the proposed act of self-determination. The October 2004 General Fono also took a number of decisions on Tokelau's draft constitution and legislative framework. Agreement was also reached on law-making procedures, the role of the constitutional advisory body, *Kau Hauatea*, the judicial system and the newly established International Trust Fund.

13. At the invitation of the Prime Minister, the Council for the ongoing Government visited New Zealand in November 2004 for high-level discussions on Tokelau's further political evolution. The Council met with the Governor-General, the Prime Minister, the Minister for Foreign Affairs and Trade and the Leader of the Opposition. The Council also held a series of meetings with the main Tokelauan communities in New Zealand. The Council made another official visit to New Zealand in November 2005, again meeting with all the major Tokelauan communities in New Zealand.

14. At its August 2005 meeting, the General Fono approved the text of a draft treaty of free association between Tokelau and New Zealand as a basis for an act of self-determination. It also appointed a translation committee and a referendum commission. Subsequently, in November 2005, the General Fono approved the translations of the draft constitution and draft treaty, as well as of the draft referendum rules (including a closing date of 23 December 2005 for voter registration), and set the dates for the referendum from 11 to 15 February 2006. It agreed that an overall majority of two thirds of the valid votes cast would be required for a change to Tokelau's status and decided that the voting should take place sequentially in Apia and on the three atolls.

15. On behalf of Tokelau and New Zealand, in November 2005 the New Zealand Government formally invited the United Nations to monitor the act of self-determination and indicated that the presence of representatives of the Special Committee on Decolonization would also be welcome.

16. The referendum to determine Tokelau's future status took place as planned, with voting in Apia on 11 February 2006 (for eligible Tokelauans based in Samoa),

and in Atafu, Nukunonu and Fakaofo (Tokelau) on 13, 14 and 15 February 2006, respectively.

17. Sixty per cent of registered Tokelauan voters voted in favour of self-government in free association with New Zealand. That percentage, however, was not sufficient to meet the required two-thirds majority. In numbers, a total of 584 voters (equal to 95 per cent) turned out, with 349 voting in favour and 232 against. Three votes were rejected. The voting was conducted in the presence of a United Nations monitoring mission, which deemed the election process credible and reflecting the will of the people. Ambassador Robert Aisi of Papua New Guinea represented the Special Committee throughout the referendum process. He was accompanied by a staff member from the Secretariat, Lone Jessen. Also present from the United Nations to formally monitor the elections were representatives of the Electoral Assistance Division, Kendra Collins, and from Fiji, Walter Rigamoto.

18. Following the referendum, the Council for the Ongoing Government and the New Zealand Government agreed to leave the referendum package on the table for future consideration. The Council will now explore, with the three villages and the General Fono, the possibility of moving towards a further act of self-determination at some point in the future.

III. External relations

19. As spelled out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau, as a Non-Self-Governing Territory, currently has insufficient international legal personality to enter into formal international legal obligations in its own right. New Zealand is responsible for entering into any such obligations on Tokelau's behalf, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

20. Tokelau is a member of the Forum Fisheries Agency, the South Pacific Community, the University of the South Pacific and the South Pacific Regional Environment Programme. In October 2005, Tokelau was admitted as an associate member of the South Pacific Applied Geoscience Commission. Later that month, the Ulu of Tokelau attended the Pacific Islands Forum meeting, where Tokelau was welcomed as an Observer for the first time. At that meeting, Pacific regional members of the European Union (EU) African, Caribbean and Pacific States development assistance group and the Pacific Islands Forum endorsed in principle an application for accession to the Cotonou Agreement by a self-governing Tokelau (in anticipation of a positive referendum outcome in 2006). Expressions of interest in establishing bilateral technical assistance programmes were received from a number of countries. Tokelau is also an Associate Member of the World Health Organization and the United Nations Educational, Scientific and Cultural Organization.

21. In March 2003, the first formal visit to Tokelau by a Samoan Prime Minister took place and a memorandum of understanding was signed in which they agreed on an annual programme of activities in areas such as education, shipping and economic cooperation. A first round of talks was held with the Prime Minister in December 2004, as provided for in the memorandum of understanding.

22. Following a visit in April 2003 to Tokelau by the Director-General of the secretariat of the Pacific Community, it was agreed that a senior member of the secretariat of the Pacific Community would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and cultural development.

23. In November 2003, New Zealand and Tokelau entered into an agreement with France on the delimitation of the maritime boundaries between Wallis and Futuna and Tokelau. Negotiations are now under way with Kiribati, and preliminary discussions have been held with the Cook Islands and Samoa.

IV. Economic conditions

24. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribution principles of traditional wealth (the inati system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of inati requires the deposition at a central location of food and produce, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children.

25. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

26. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat loading to assistance, to the General Fono and other public entities. The devolution of public services to the atolls has also increased the number of wage employees and specialized skill development or qualifications needed. The past two years have seen a rise in small enterprises and the interest in generating cash income. However, artisans prefer to keep handicrafts as a cultural practice rather than use them to achieve commercial gains. Much investment has been put in expanding fisheries commercially over the past decade, but maintaining artisanal fisheries at a subsistence level remains the preferred approach. In addition, lack of reliable transport makes competition with Samoan fisheries, which are closer to markets, virtually impossible.

27. Migration of skilled persons is an ongoing threat to the sustainability of any endeavour. In comparison to other islands in free association with New Zealand, Tokelau has been able to maintain a steady population of approximately 1,500 people, compared to rapidly dwindling numbers in both Niue and the Cook Islands.

A. Economic developments

28. During the visit by the Prime Minister of New Zealand (see para. 11), a multi-year economic support agreement was signed between the New Zealand Agency for

International Development (NZAID) and Tokelau. Additional funding was announced to improve shipping services while a study of long-term shipping options is being carried out jointly by Tokelau and New Zealand. The Prime Minister also pledged New Zealand's support for Tokelau's International Trust Fund. The Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau. Contributions from Tokelau, New Zealand and Australia in 2005 have brought the Fund to just over 25 million New Zealand dollars ($NZ). Further contributions are expected in the near future.

29. Tokelau's overall budget for 2004/05 was set at $NZ 10,500,000. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds),[2] with New Zealand continuing to be the primary source of economic support. During the financial year, New Zealand provided additional grants for special purposes: to improve shipping services ($NZ 400,000); a cyclone recovery programme ($NZ 900,000); to complete the national power supply programme ($NZ 1 million); and to support the political evolution process ($NZ 152,000).

30. Work is now under way on a comprehensive review of Tokelau's development assistance needs, in preparation for upcoming discussions on economic support levels for the 2007-2010 period. Work will focus on the devolution arrangements and any capability gaps in public services. As part of the review, which will be conducted jointly by Tokelau and New Zealand, a strategic plan is expected to be worked out to address key development objectives and priorities over the next triennium. In addition, UNDP will begin discussions on its next programming cycle in late 2006. The comprehensive review will provide a valuable guide to programmes that could be supported by UNDP from 2008 onwards.

31. UNDP has also contributed from its office in Apia to the strengthening of the Territory's social and economic capabilities as it moved towards greater self-government and self-reliance. Some of the milestones in the UNDP relationship with Tokelau have been the first telephone connection in the Territory in 1997, building sea walls after a cyclone, and its early and ongoing support to the Modern House project. Within the Tokelau/UNDP country cooperation framework for 1998-2002,[3] UNDP provided funding of 214,000 United States dollars (US$) in direct support to the Modern House project, which focused on macrolevel financial management and strategic economic planning. Other projects included the US$ 148,000 job creation and sustainable livelihoods project, implemented by the International Labour Organization, and the US$ 150,000 household income and expenditure survey, which provided data on the needs of vulnerable sectors (youth, women, children, the elderly and the disabled).

32. In August 2002, when the UNDP resident representative/resident coordinator accompanied the United Nations Visiting Mission to Tokelau, she introduced the new Tokelau/UNDP country programme for 2003-2007, which aimed to invest over US$ 0.7 million per year over the five-year period, focusing again on support for the Modern House project, with grant assistance in the areas of governance and sustainable development. Under governance, support will continue for capacity-building and training. Under sustainable development, UNDP will support development projects, such as microenterprise projects for women and skills training for youth, a comprehensive assessment of fishing resources to strengthen

the fisheries industry, and environmental management projects, including reducing reliance on fossil fuels by building solar energy units and improving fuel storage and protection against oil spills (see also para. 42 below).

33. While Tokelau does not qualify for funding under the Global Environment Facility (GEF) owing to its non-self-governing status, UNDP has raised special resources so that Tokelau may participate in selected GEF regional programmes, in particular the Oceanic Fisheries and Regional Energy programmes. UNDP has also expedited the participation of Tokelau in the GEF Small Grants Programme, which will be operational by end of 2006. The representative also noted the willingness of UNDP to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

34. Work continued during 2005 on Tokelau's economic development plan. The position of Director, Economic Development and Environment, was filled by a contract officer in January 2005 and is now being advertised for permanent appointment. The Council for the Ongoing Government is giving high priority to the plan. Discussions were initiated with a number of potential development partners and groupings in 2005.

35. Regarding commercial fisheries, under the 1987 Treaty on Fisheries between the Governments of certain Pacific Islands and the Government of the United States of America (also known as the United States Tuna Treaty), Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Tokelau earned $NZ 530,000 in fishing fees in 2004/2005.

36. In February 2005, Tokelau was struck by a force 5 cyclone (cyclone Percy), which did considerable damage to Tokelau's infrastructure and caused major damage to the villages of Nukunonu and Fakaofo. In addition to the assistance provided by New Zealand, Tokelau received generous offers of help from UNDP and the Governments of Australia and Samoa. The United Nations Office for the Coordination of Humanitarian Affairs fielded a Disaster Assessment Coordination team within one week of the disaster at the request of the United Nations resident coordinator based in Apia. The team conducted an assessment of the damage caused by the cyclone and identified areas that required priority assistance from the United Nations and the international community. A number of non-governmental organizations (for example, the Samoa Red Cross Society) and individuals also contributed to the relief effort. Sea wall repairs and extensions are now a high priority in all three villages.

B. Public services

37. No further developments were reported during the review period (see A/AC.109/2005/3, paras. 32 to 34).

C. Transport and communications

38. Tokelau has no airstrips and until recently its main transportation option was that provided by a single vessel, the *MV Tokelau*, a mail ship with limited cargo and passenger capacity that provided service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations mission that visited the

Territory in August 2002 concluded that the lack of transportation options was one of the greatest drawbacks to economic development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Since 2003/2004 New Zealand has funded additional visits by larger vessels under charter from the Samoa Shipping Corporation. A review of shipping services has been completed and consideration is now being given to the provision by New Zealand, under its official development assistance programme, of a purposely built ship owned by the Tokelau Government. Improvements to the wharfage facilities at each atoll are also being studied.

39. Over the past 10 years, large investments have been made to facilitate contacts for Tokelauans inter-atoll as well as with the outside world. In April 1997, the Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was inaugurated. Tokelau also has a website (http://www.dot.tk) which became operational in January 2002 and offers both free and paid dot.tk domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company that set up Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Corporation.[4]

40. In February 2002, FM radio stations were inaugurated on each of the atolls with funding from the New Zealand Agency for International Development. Although they currently operate independently, there are plans to link them at least once a week for a national programme. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage, as well as a way of facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

41. In 2004, UNDP funded a comprehensive review of telecommunications and stimulated a number of reforms in the Telecommunications Tokelau Corporation and integration of internet facilities and services. A Tokelau law website, funded by the UNDP Democratic Trust Fund and aimed at making the Constitution and all Tokelauan legislation accessible to the Tokelauan population, was developed in 2005 and launched in February 2006.

D. Power supply

42. In 2001-2002, work was begun on a diesel-powered electricity system in all three atolls under the auspices of the New Zealand Agency for International Development. The initial stages of the project, completed in 2004, cost some $NZ 2 million. In 2005, an agreement was reached on the completion of the project at an additional cost of $NZ 1 million. Work is now under way. Tokelau's undertaking to be completely provisioned by renewable energy sources is supported by a pilot photovoltaic energy grid project funded by UNDP and contributions from the Government of France. The project, covering 15 households on Fakaofo, will be expanded to complete atoll coverage, thereby significantly reducing reliance on fossil fuels.

V. Social conditions

A. Education

43. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the University's educational telecommunications system (USPNet) through a satellite established in Atafu. The low standard of the education system remains a problem, however, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. In 2002, a comprehensive study was carried out on Tokelau's education system. Additional technical support has been provided by New Zealand in line with the recommendations of the report. In 2005 $NZ 530,000 was allocated to scholarships. In 2004, a senior education adviser was appointed; in 2005, a strategic plan was developed in consultation with all three villages.

B. Health

44. Average life expectancy is 69 years.[5] There are three basic hospitals, one on each atoll. The shortage of qualified medical practitioners and general health-care workers, as well as the maintenance of installations and equipment, remain a serious problem. In addition, the need to transfer the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. A New Zealand-based health adviser provides support to the Director of Health and coordinates the provision of advice and assistance, including the appointment of doctors for limited periods of time. A new arrangement with a regional health board has resulted in significant improvements in the management of patient referrals to New Zealand. A pilot cervical screening programme is now under way: a pharmacist has been contracted to help with supplies of medicine and drugs. A senior nursing adviser has been appointed to raise professional nursing standards. The 2004/2005 budget allocation for health was $NZ 1 million. The World Health Organization (WHO), of which Tokelau is an associate member, reports that changes in lifestyle and an increase in non-communicable diseases in Tokelau have resulted in the need for health education programmes focused mainly on the promotion of non-smoking, increasing physical activity and controlling the use of alcohol among young people.[6] Further data regarding the WHO Tokelau projects may be found in the report of the Mission to Tokelau (A/AC.109/2002/31, para. 32).

C. Status of women

45. No further developments were reported during the review period (see A/AC.109/2005/3, para. 42).

VI. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

46. It will be recalled that in August 2002, a mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand at the invitation of the Government of New Zealand and the people of Tokelau. It was the fifth United Nations fact-finding mission to visit Tokelau, the first having been in 1976. For further details, see the report of the mission (A/AC.109/2002/31). In October 2004, the Chairperson of the Special Committee on Decolonization, Robert Aisi, attended the special constitutional workshop held at Atafu, pursuant to the invitation extended by the Ulu of Tokelau earlier in the year.

47. In May 2004, the Special Committee held the Pacific regional seminar in Papua New Guinea, at which Tokelau was used as a case study illustrating how small Territories might approach the challenges of decolonization. The following month, the Ulu of Tokelau and the Administrator participated in the session of the Special Committee at Headquarters in New York. They participated again in June 2005 (see para. 48 below).

48. The Special Committee considered the question of Tokelau at its 11th meeting on 24 June 2005 (see A/AC.109/2005/SR.11). Statements were made at that meeting by the Administrator of Tokelau, the Ulu-o-Tokelau and the representatives of the Syrian Arab Republic, the Congo, Cuba, Papua New Guinea and the Russian Federation. The representative of Papua New Guinea introduced draft resolution A/AC.109/2005/L.15. The Committee adopted the draft resolution without a vote.

B. Special Political and Decolonization Committee (Fourth Committee)

49. At its 2nd meeting, on 5 October 2005, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chairperson of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to developments in 2005 regarding Tokelau (see A/C.4/60/SR.2).

50. At the same meeting, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard a statement by the Permanent Representative of New Zealand to the United Nations. Also at the same meeting, the representatives of Argentina, Cuba, Fiji, Pakistan, Papua New Guinea and Saint Lucia made statements in which they commended the New Zealand Government for its exemplary cooperation with the Special Committee. The representatives also noted the value of visiting missions to Non-Self-Governing Territories as an important way of disseminating information on their options for self-determination. At its 16th meeting, on 25 October 2005, the Committee adopted draft resolution V contained in the report of the Special Committee (A/60/23, chap. XII, sect. E), entitled "Question of Tokelau", as orally revised by its sponsors, without a vote.

C. Action by the General Assembly

51. On 8 December 2005, at its sixtieth session, on the recommendation of the Fourth Committee, the General Assembly adopted resolution 60/116 on the question of Tokelau without a vote. On the same date, it also adopted resolution 60/119 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.

VII. Future status of the Territory

A. Position of the administering Power

52. Speaking before the Special Committee on Decolonization at its 11th meeting on 24 June 2005 (see A/AC.109/2005/SR.11), the Administrator, Neil Walter, noted that the previous 12 months had seen an intensification of work on all fronts, including a series of regional and international meetings and an official visit by the Prime Minister of New Zealand to each of Tokelau's three atolls. While there, the Prime Minister had witnessed the signing of a new three-year agreement on economic support between Tokelau and New Zealand. Other developments in Tokelau included the January 2005 elections for the office of Faipule and Pulenuku of each village and a formal meeting of the New Zealand Minister for Foreign Affairs and Trade with the Council of Apia in early 2005. Work had also proceeded on the draft constitution and draft treaty of free association.

53. Steady progress had been made on the draft constitution, which had been approved in principle by the General Fono in May 2005. Agreement had also been reached on the main elements to be incorporated into a treaty and its supporting documents, including: Tokelau's ongoing entitlement to New Zealand citizenship; economic support and administrative and technical assistance; support for the International Trust Fund; and a programme to preserve the culture and language of Tokelau. At the same time, work was well advanced on legislative amendments that would be required in New Zealand to give effect to a decision by Tokelau to become self-governing. The Administrator noted that Tokelau also had the option of revisiting the question of its status in the future, if it so wished. He shared the hope that the United Nations would dispatch a mission to Tokelau to witness the act of self-determination.

54. The Administrator added that Tokelau faced extreme challenges owing to its small size, isolation and a lack of natural resources. It had shown that it was prepared to face up to the challenges, but that it needed and deserved support from the international community. In February 2005, it had been hit by a force 5 tropical storm, a timely reminder of its vulnerability. The UNDP office in Apia had been among the first to offer help. The Administrator noted UNDP's capability and willingness to deliver timely, practical and useful assistance to small countries like Tokelau. In recent years, New Zealand had significantly raised the level of economic support provided to Tokelau. He noted the three-year economic agreement that ensured regular budget support and special assistance with power supplies and shipping. The New Zealand Government hoped that Member States would assist in building the Tokelau International Trust Fund to a level where it would provide an independent source of revenue to future generations. To that end, UNDP would

facilitate a donors' round-table meeting for the Trust Fund in New York following the act of self-determination. The Administrator also announced a further contribution of $NZ 7.5 million to the Trust Fund by the New Zealand Government.

55. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 2nd meeting, on 5 October 2005 (see A/C.4/60/SR.2), the representative of New Zealand outlined recent developments and recalled that in June 2005, the Administrator of Tokelau had reported to the Special Committee that work was under way on a constitution and a treaty of free association with New Zealand, that measures to strengthen Tokelau's infrastructure continued apace, and that New Zealand had announced an additional contribution of $NZ 7.5 million to the Tokelau International Trust Fund. Tokelau continued to move steadily towards a decision on self-government. In August 2005, the General Fono had agreed to hold a referendum on self-government. It had also enacted a set of rules for the referendum, and authorized the Council for the Ongoing Government to negotiate a final draft of the treaty.

56. The next step would be to put the draft treaty and supporting documents before the New Zealand Cabinet. Following approval, the Tokelau Referendum Commission would set the dates for the referendum, which was expected to be held in November 2005. Should the outcome be in favour of self-government, the treaty and relevant legislative amendments would then proceed through the New Zealand parliamentary process. It was expected that Tokelau could then become self-governing in the second quarter of 2006.

57. Preparations were already under way in Tokelau for the referendum, including voter registration. Under the referendum, Tokelau would become a self-governing State in free association with New Zealand on the basis of the constitution and the treaty. Provision had been made for the United Nations to monitor the referendum and a formal request would be forthcoming. Meanwhile, the draft treaty and the constitution were being circulated around Tokelau for further discussion. The Office of the Administrator had recently published and distributed a booklet describing Tokelau's move towards self-government and inviting other countries and international organizations to contribute to the Tokelau International Trust Fund. In addition, UNDP had agreed to organize a donors' round table in New York. Tokelau had begun discussions on accession to the Cotonou Agreement and Associate Membership of the Commonwealth. Furthermore, Tokelau would be admitted as an Observer to the Pacific Islands Forum at its next meeting.

B. Position of the people of Tokelau

58. At the 11th meeting of the Special Committee, on 24 June 2005, the Ulu-o-Tokelau, Pio Tuia, noted that 2004 had been a momentous year for Tokelau (see A/AC.109/2005/SR.11). Mr. Tuia invited the Committee to "witness the catching of the great fish", as the people of Tokelau were poised to exercise their right to self-determination. More than ever, Tokelauans looked to the Special Committee, the wider international community and New Zealand for reassurance and support. He recalled that in June 2004, Tokelau had formally declared to the Special Committee and New Zealand that it was considering the option of self-government in free association. While the journey embarked upon since that time had sometimes been arduous, it had been guided by the culture, traditions and customs specific to

Tokelau's villages, whose autonomy was paramount. The villages, which formed the foundation of the nation, knew best how to govern themselves and the nation would only intervene where necessary. The Constitution of Tokelau contained governing arrangements and administrative structures that reflected the nation's unique situation and the laws passed by the General Fono had thus far enabled the Tokelau people to live a peaceful and harmonious life without the need for prisons or similar institutions.

59. The Principles of Partnership statement, signed in 2003, was the foundation document that had begun to define the relationship between Tokelau and New Zealand and was a strong basis for a treaty of free association and the economic support agreement signed in 2004. The Ulu recalled that in early 2005, an important shift had occurred in Tokelau whereby the powers of the Administrator had been transferred to the Taupulegas.

60. The Ulu went on to highlight the major achievements of the previous 12 months. The area of constitutional and political development included five key reports, including the report of the meeting of the Special Committee on the Constitution, held from 18 to 20 October 2004, which the Ulu thanked the previous Chairman, Ambassador Aisi, for attending. Another report contained the Constitution of Tokelau as of 1 May 2005, and a report dealing with a national anthem, flag and national symbols. The Council for the Ongoing Government had visited New Zealand in November 2004 for high-level talks about the future relationship between Tokelau and New Zealand. In February 2005, the Council endorsed its operating guidelines, which included a code of ethics. The Council had also informed and consulted with the majority of the Tokelauan communities in New Zealand at that time, and had received strong support for Tokelau's path towards self-determination. There were approximately 7,000 Tokelauans living in New Zealand, as compared to 1,500 in Tokelau.

61. Tokelau's role in the region would be strengthened by its application for observer status at the Pacific Islands Forum and associate membership in the South Pacific Applied Geoscience Commission. The General Fono had endorsed a draft constitution, and had also agreed that officials from Tokelau and New Zealand should continue working on a treaty of free association. Once the draft was ready, the Council for the Ongoing Government would begin consultations with the legal team at the end of June 2005 to agree upon the details to be referred to the villages, to discuss how the vote on self-determination would be managed and to decide on the dates for further consultations with the villages. The results of those consultations would be presented to the General Fono in August 2005 and a date for the act of self-determination might then be set. To some degree, that would depend upon Tokelau and New Zealand reaching a mutual agreement on the final text of a treaty of free association. While consultations with all three villages had been very positive and there was general support for an act of self-determination, the people were asking for further details about the treaty, including the annexes upon which the actual vote for the act would be based.

62. The Ulu welcomed the contribution of $NZ 7.5 million by the Government of New Zealand to the Tokelau International Trust Fund and said that he hoped that the international community would be just as generous. He noted that the deed concerning the Trust Fund had been signed on 10 November 2004. At the same time, he expressed deep appreciation for the offer of UNDP to organize a donor

round table to encourage contributions to the Fund. Finally, he welcomed the extra and immediate assistance Tokelau had received from UNDP in the aftermath of cyclone Percy.

Notes

[1] Updated information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of New Zealand, on 14 December 2005, the organizations of the United Nations system and from published sources.

[2] As at 3 March 2006, 1.00 New Zealand dollar was equivalent to 0.66 United States dollars.

[3] UNDP programme of assistance to Samoa, Cook Islands, Niue and Tokelau, March 2001.

[4] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

[5] UNDP, Pacific Human Development Report, 1999.

[6] Information from WHO, 19 March 2001.